

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 20741 of 2007(T)

PETITIONER:

JUBERIA HYDERALI, W/O.HYDERALI,
AGED 35 YEARS, ALATH VEEDU, KUMARANELLUR, KAPPUR,
OTTAPALAM, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

1. THE ASSISTANT LABOUR OFFICER,
GRADE-I, (ASSESSING OFFICER UNDER THE CONSTRUCTION
AND OTHER WORKER'S WELFARE CESS ACT, 1966),
PALAKKAD.

2. THE DEPUTY TAHASILDAR, OTTAPALAM.

BY G.P. SMT. N. SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 20741 OF 2007

Dated this the 9th day of July, 2007

JUDGMENT

Since admittedly petitioner has constructed a house above 3000 sq. ft., and since 1% construction cost is the cess payable, I dispose of the Writ Petition with following directions. Petitioner is granted three equal monthly instalments to pay Construction Workers Welfare Cess of Rs.37,049/- demanded and sought to be recovered by Ext.P1. First instalment should be paid on or before 31.7.2007 and the balance on or before 31st of August, 2007 and 30th September, 2007 respectively. In between the petitioner will file objections against the demand and produce details of construction cost and other particulars before the first respondent who will verify the records and issue revised assessment after considering objections and evidence produced treating the demand as a proposal within one month from the date of production of a copy of this judgment. Recovery of the balance two instalments will be based on revised orders, that is the balance due after adjusting payment of first instalment. If the petitioner does not furnish

details and appear before the first respondent with a copy of this judgment, original demand will be recovered from the petitioner as above. Revenue recovery proceedings will be kept in abeyance for payments as above.. First respondent will issue revised order with reasons in support of the demand, so that if the petitioner has any grievance, he can file appeal against it and in that event the appellate authority can order refund of excess, if any, paid by the petitioner.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR)
Judge

